

115TH CONGRESS
1ST SESSION

S. 1641

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to limit certain administrative actions, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 27, 2017

Mr. RUBIO introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to limit certain administrative actions, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Post-Disaster Fairness
5 to States Act of 2017”.

6 **SEC. 2. STATUTE OF LIMITATIONS.**

7 (a) IN GENERAL.—Section 705 of the Robert T.
8 Stafford Disaster Relief and Emergency Assistance Act
9 (42 U.S.C. 5205) is amended—

10 (1) in subsection (a)(1)—

(A) by striking “Except” and inserting “Notwithstanding section 3716(e) of title 31, United States Code, and except”; and

(B) by striking “report for the disaster or emergency” and inserting “report for project completion as certified by the grantee if the purpose of the grant was accomplished”; and
(2) in subsection (b)—

(A) in paragraph (1), by striking “report for the disaster or emergency” and inserting “report for project completion as certified by the grantee if the purpose of the grant was accomplished”; and

(B) in paragraph (3), by inserting “for project completion as certified by the grantee if the purpose of the grant was accomplished” after “final expenditure report”.

(b) APPLICABILITY.—

(1) IN GENERAL.—With respect to disaster or emergency assistance provided to a State or local government after January 1, 2004, section 705 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5205), as amended by subsection (a), is applicable to any administrative action to recover a payment of such assistance for

1 which a final agency decision has not been made as
2 of the date of enactment of this Act.

3 (2) RULE OF CONSTRUCTION.—Nothing in this
4 section, or the amendments made by this section,
5 shall be construed to invalidate or otherwise affect
6 any administration action or final agency decision
7 completed before the date of enactment of this Act.

8 **SEC. 3. LIMITATION ON RECOVERY OF FEMA ASSISTANCE**
9 **FUNDS.**

10 (a) IN GENERAL.—Notwithstanding section 3716(e)
11 of title 31, United States Code, the Administrator of the
12 Federal Emergency Management Agency may not take
13 any action to recoup covered assistance from the recipient
14 of the covered assistance if the receipt of the covered as-
15 sistance occurred on a date that is more than 3 years be-
16 fore the date on which the Federal Emergency Manage-
17 ment Agency first provided to the recipient written notifi-
18 cation of an intent to recoup the covered assistance.

19 (b) COVERED ASSISTANCE DEFINED.—In this sec-
20 tion, the term “covered assistance” means assistance pro-
21 vided—

22 (1) under section 408 of the Robert T. Stafford
23 Disaster Relief and Emergency Assistance Act (42
24 U.S.C. 5174); and

1 (2) in relation to a major disaster declared by
2 the President under section 401 of such Act (42
3 U.S.C. 5170) on or after January 1, 2012.

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